

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEON RUSSELL RUSSETTE,

Defendant.

CR 07-150-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on July 8, 2015. Defendant admitted he had violated the conditions of supervised release by failing to participate in substance abuse testing, by failing to report for substance abuse treatment, by failing to notify his probation officer prior to a change in residence, and by failing to answer truthfully all inquiries by his probation officer. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of twelve months and one day, with no supervised release to follow.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted that he violated Standard Conditions 3 and 6, and Special Conditions 1 and 2. Defendant could be incarcerated for up to 24 months, followed by 18 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of five to eleven months. A sentence of twelve months and one day, with no supervised release to follow is appropriate. Defendant has violated the terms of his supervised release on two prior occasions. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 76) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 29th day of July, 2015.



Brian Morris
United States District Court Judge